

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| <b>VELEZ ENTERPRISES LLC d/b/a<br/>OQSIE</b><br><br><b>v.</b><br><br><b>KVK TECH, INC., MURTY VEPURI, and<br/>ANTHONY TABASSO</b> | <b>CIVIL ACTION</b><br><br><b>NO. 20-5553</b> |
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**ORDER RE: DEFENDANTS' AMENDED MOTION TO DISMISS**

**AND NOW**, this 15th day of September, 2021, after careful consideration of Defendants KVK Tech, Inc., Murty Vepuri, and Anthony Tabasso's Amended Motion to Dismiss (ECF 14), Plaintiff Velez Enterprises LLC d/b/a OQSIE's Response (ECF 15), and Defendants' Reply (ECF 16), it hereby **ORDERED** that Defendants' Motion is **GRANTED**.

1. Counts II through IV of Plaintiff's Complaint, and Count I with regard to the alleged oral contract, are **DISMSSED** without prejudice and with leave to file an amended complaint within twenty-one (21) days.
2. Count I of Plaintiff's Complaint with regard to the alleged written contract is not dismissed, but Plaintiff must restate this claim as a separate count in an amended complaint and attach a copy of the contract, including all amendments.

**BY THE COURT:**

/s/ **MICHAEL M. BAYLSON**

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**MICHAEL M. BAYLSON, U.S.D.J.**